

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE

Plaintiffs,

v.

Civil Action No.: 3:17CV00072

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES ALEX
FIELDS, JR., VANGUARD AMERICA,
ANDREW ANGLIN, MOONBASE
HOLDINGS, LLC, ROBERT “AZZMADOR”
RAY, NATHAN DAMIGO, ELLIOTT
KLINE a/k/a ELI MOSELEY, IDENTITY
EVROPA, MATTHEW HEIMBACH, MATTHEW
PARROTT a/k/a DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS, LEAGUE
OF THE SOUTH, JEFF SCHOEP, NATIONAL
SOCIALIST MOVEMENT, NATIONALIST
FRONT, AUGUSTUS SOL INVICTUS,
FRATERNAL ORDER OF THE ALT-KNIGHTS,
MICHAEL “ENOC” PEINOVICH, LOYAL
WHITE KNIGHTS OF THE KU KLUX KLAN,
and EAST COAST KNIGHTS OF THE KU KLUX
KLAN a/k/a EAST COAST KNIGHTS OF THE
TRUE INVISIBLE EMPIRE,

Defendants.

**MEMORANDUM IN SUPPORT OF MOTION TO STAY DEPOSITION AND APPOINT
A GUARDIAN AD LITEM**

COMES NOW JAMES ALEX FIELDS, by and through Counsel, files this, his
memorandum in support of his motion to stay his discovery deposition and to appoint a guardian
ad litem, and in support thereof, states as follows:

Undersigned counsel has communicated with Defendant Fields on many occasions throughout the years long course of this litigation and always found him to be competent to understand instructions and respond to questions.

On January 21, 2021, undersigned counsel was contacted by another officer of this Court, Lisa Lorish – Federal Public Defender – regarding concerns over changes in Fields’ apparent competency and ability to communicate. On February 9, 2021, counsel received a call from Fields’ state criminal lawyer, Denise Lunsford, relating similar concerns over Fields’ competency. Counsel made repeated attempts to communicate with Fields since that date and communicated with the Virginia State Bar regarding ethical concerns of reporting said concerns to this Court and opposing counsel

On February 19, 2021, counsel participated in a “Zoom” meeting with Fields and Ms. Lunsford to evaluate his competency and attempt to prepare him for his upcoming deposition. During this meeting, counsel confirmed, firsthand, that Fields now has a very different affect and does not appear competent to understand directions from counsel that are necessary to prepare for his deposition. Further, Fields does not believe counsel is who we say we are. Fields acted bizarrely and reported visual and auditory hallucinations during this meeting. Fields believed the date was March 11 and became agitated when told that was not the date. Fields reported numerous scenarios regarding his current circumstances that were at the least implausible, if not impossible, including that a doctor treating him at the facility participated in his sentencing hearing and was awarded restitution in his criminal trial.

Fields will refuse to testify via a video deposition because of a concern that software will be used to manipulate his testimony making his face on the video appear to say things that he is not saying.

Fields deposition is currently set for February 25, 2021. Counsel has communicated with counsel for the Plaintiffs and related these concerns. As Fields is not capable of being prepared for a deposition, we hereby move this Court to stay the discovery deposition and appoint a guardian *ad litem* to facilitate an evaluation of Fields’ mental capacity.

As trial is now scheduled to begin on October 18, 2021, Plaintiffs have ample time to reschedule this deposition following a psychiatric evaluation.

Wherefore, Fields asks this Court exercise its discretion and stay Fields' deposition in this case and appoint a guardian *ad litem* to facilitate said psychiatric evaluation and report to the Court on Fields' mental capacity to testify.

Respectfully submitted,

JAMES ALEX FIELDS, JR.

By Counsel

/S/

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CERTIFICATE OF SERVICE

I hereby certify that on 22ND day of February, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that on February 22, 2021, I also served the following non-ECF participants, via electronic mail as follows:

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